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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,364	11/20/2003	Michelle G. Leong	64702-1	9513
22504 7590 09/20/2007 DAVIS WRIGHT TREMAINE, LLP 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045			EXAMINER BARFIELD, ANTHONY DERRELL	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,364

Applicant(s)

LEONG, MICHELLE G.

Examiner

Anthony D. Barfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-16 and 19-34 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,7,10,14-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Anacker. Anacker shows the use of a first and second side frame members (12), having first and second support members (27,23) coupled thereto along with first and second cross members (29,30) coupling the first and second side frame members. An operating surface member (18,19,22) is supported by the first and second cross members in a first configuration (Fig. 4), and the first and support members support the operating surface in a second configuration (see Fig. 1). The operating surface member (19) has a substantially planar configuration in both the first and second configurations. The operating surface member has a first and second operating surface portion connected inherently by a living hinge. Anacker further shows the use of an additional operating member (41) being proximate to the first operating surface member to function as a seat back.

3. Claims 1-4,8-9,12,14-16,20-22,25 are rejected under 35 U.S.C. 102(b) as being anticipated by Casini. Casini shows the use of a first and second side frame members (1), having first and second support members (10) coupled thereto along with first and second cross members (10) coupling the first and second side frame members. An operating surface member (2,3) is supported by the first and second cross members in a first configuration (Fig. 1), and the

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first and support members support the operating surface in a second configuration (see Fig. 2). Casini further shows the use of an additional operating member (2) being proximate to the first operating surface member to function as a seat back and the operating surface member comprising a table configuration (see Fig. 4). The first and second side frames of Casini can inherently be supported on respective third (edge) portions thereof, when pivoted 90 degrees thereby allowing the operating surface member to maintain a substantially planar arrangement.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casini in view of Anacker. Casini shows all of the teachings of the claimed invention except the use of a hinge to couple the operating surface member with the additional operating surface member and the side frames and first and second support members form from metal. Anacker shows the use of first and second side frames along with the first and second support members formed from metal along with a "living" hinge for connecting an operating surface member (19) with and additional operating surface member (22). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the furniture of Casini with the teachings of Anacker in order to provide a more stable furniture support while avoiding any articles from being lost between the operating surface members during use of the furniture.

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6. Claims 11,13,24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casini. Casini shows all of the teachings of the claimed invention except the welding, bolting or removably attaching the first and second support members and the first and second cross members to the respective side frame members. It would have been an obvious matter of design choice to modify the support members and cross members with use of welds, bolts or allow them to be removable, since applicant has not disclosed that welded, bolted and removable support members solve any stated problem and it appears that the support members and cross members as taught by Casini would perform equally well.

7. Claims 11-13,27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anacker. Anacker shows all of the teachings of the claimed invention except the use welding, bolting or removably attaching the first and second support members and the first and second cross members to the respective side frame members. It would have been an obvious matter of design choice to modify the support members and cross members with use of welds, bolts or allow them to be removable, since applicant has not disclosed that welded, bolted and removable support members solve any stated problem and it appears that the support members and cross members as taught by Anacker would perform equally well. Furthermore, the method steps as recited would have been incorporated within the use of the invention as taught by Anacker.

Allowable Subject Matter

8. Claims 5-6, and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 6/28/07 have been fully considered but they are not persuasive. In response to applicant's argument that the operating surface member of Anacker fails to show the operating surface member in a "substantially planar arrangement", applicant is directed to the above rejection, whereby the operating surface member (19) is always positioned in a "planar arrangement", despite the configuration of the side frames. In response to applicant's argument that Casini fails to show the various elements of the side frames, i.e. second and third portions, the examiner is of the position that so far as defined by the claimed invention the various "edge portions" of the side frame of Casini does in fact comprise second and third portions. Consequently, the operating surface member will always be in a "planar arrangement" despite the configuration of the side frames. Regarding claim 14, Casini shows that in different configurations either the first and second support members or the first and second cross members (see Figs. 1-3), will support the operating surface member only depending on which hole the first and second support members and respective cross members are placed within the respective side frames.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

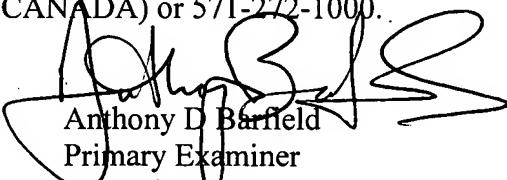
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 571-272-6852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony D. Barfield
Primary Examiner
Art Unit 3636

adb
September 15, 2007